

Dt. 10.07.2008

Hon'ble Mr. N.D. Dayal, A.M
Hon'ble Mr. Ashok S. Karamadi, J.M.

Heard Sri M.W. Siddiqui, learned counsel for the applicant on M.A No. 216/08 and 217/08.

Learned counsel for the applicant states that the O.A had been withdrawn under the impression given by the respondents that he would be considered for regularization against the vacancy, if the O.A was withdrawn but subsequently, it is alleged, that the matter was belated, ^{delayed} and ultimately he was informed that the applicant was over aged. It is further submitted that the applicant was called for interview also but there was no result by way of giving him any appointment. Learned counsel further submits that even though no liberty was granted while withdrawing the O.A, the same may be restored against the respondents for not carry out their assurance.

It is submitted by the learned counsel that in the O.A, the relief is for regularization of daily wage services. Since the law is now well settled that there is no right for permanence or continuance and regularization is not a method of appointment because it is contrary to the statutory provisions except as envisaged in law. Therefore, even if the O.A is restored, the applicant is not likely to grant any relief.

In the above back ground, learned counsel seeks liberty for the applicant to approach the respondents for re-engagement as daily wagers. ~~Let~~ The applicant may make a request within a period of one month, which upon receipt by the respondent, be considered ^{in the normal course} by them informing the applicant of the decision taken.

The M.As for restoration are, therefore, dismissed.

~~It is made clear that we have made no observation on merits of the case.~~


JM


AM

/Anand.